

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS HEALTH AND
WELFARE FUND; and CHARLES A.
WHOBREY, Trustee,

Plaintiffs-Judgment Creditors,

V.

PROGRESSIVE 4 COLOR LIMITED
LIABILITY COMPANY, a New Jersey limited
liability company,

Defendant-Judgment Debtor.

Case No. 16-cv-9826

Judge Manish S. Shah

Magistrate Judge Jeffrey T. Gilbert

PLAINTIFFS' UNOPPOSED MOTION TO REVIVE JUDGMENT

Plaintiffs, through their attorneys, move this Court for revival of the Judgment entered against Defendant, and in support thereof, state as follows:

1. Plaintiffs instituted this lawsuit against Defendant Progressive 4 Color Limited Liability Company to recover employer contributions owed by Defendant to Plaintiff Central States, Health and Welfare Fund (the “Fund”) for the period of November 1, 2015 through September 3, 2016, along with two insufficient funds fees, interest, liquidated damages, and attorney’s fees and costs.

2. This Court entered a Judgment in favor of Plaintiffs and against Defendant on January 6, 2017, in the total amount of \$45,004.02 for past due employer contributions, two insufficient funds fees, interest, liquidated damages, and attorney's fees and costs, plus post-judgment interest on the entire judgment balance at the greater of: (i) an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the

interest is charged; or (ii) an annualized interest rate of 7.5%, with said interest to be compounded annually. (Dkt. No. 11.) (A copy of the Judgment is attached hereto as Exhibit A.)

3. On November 20, 2017, a payment in the amount of \$1,507.77 was applied toward the post-judgment interest on the entire balance of the Judgment.

4. As of January 3, 2024, the total outstanding balance of the Judgment, including post-judgment interest through January 3, 2024 in the amount of \$29,315.91, will be \$74,319.93.

5. The Judgment remains unsatisfied.

6. Rule 69 of the Federal Rules of Civil Procedure directs that Illinois law controls the manner in which judgments entered by this Court are executed. Under 735 ILCS 5/12-108, judgments may not be enforced beyond seven (7) years after the initial entry of judgment, unless revived as provided under 735 ILCS 5/2-1601 and in accordance with 735 ILCS 5/2-1602. A judgment may be revived by filing a petition to revive the judgment in the seventh year after its entry in the original case in which the judgment was entered and providing notice of the petition to interested parties. 735 ILCS 5/2-1602(a)-(c).

7. Plaintiffs submit this Motion as the petition contemplated by Illinois law and further submit that interested parties have been notified of this Motion as evidenced by the Certificate of Service attached hereto.

8. Further, Plaintiffs' undersigned counsel and Defendant met and conferred via email and phone during the period of December 27-28, 2023 to discuss this Motion. On December 28, 2023, Defendant advised Plaintiffs' counsel that it has no objection to

the revival of the Judgment requested in this Motion. Thus, the Motion is made unopposed.

9. Plaintiffs request that the Judgment be revived in accordance with 735 ILCS 5/2-1602 against Defendant.

10. Along with this Motion, Plaintiffs submit a proposed Order Reviving Judgment, a copy of which is attached hereto as Exhibit B. That proposed Order will also be sent to the Court's proposed orders email address.

WHEREFORE, Plaintiffs seek revival of the Judgment entered against Defendant on January 6, 2017 in accordance with the Federal Rules of Civil Procedure and 735 ILCS 5/2-1602.

Respectfully submitted,

/s/ Lois J. Yu

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**COUNSEL FOR PLAINTIFFS-
JUDGMENT CREDITORS**

December 28, 2023

CERTIFICATE OF SERVICE

I, Lois J. Yu, one of the attorneys for Plaintiffs-Judgment Creditors, certify that on December 28, 2023, I served the foregoing *Plaintiffs' Unopposed Motion to Revive Judgment* upon all parties indicated on the electronic filing receipt via the Court's electronic filing system. For the party listed below, I served the foregoing *Motion* by mailing said *Motion* (and all exhibits thereto), on December 28, 2023, via UPS Next Day Air, to:

Michael Risoli
c/o Progressive 4 Color Limited Liability Company
4 Madison Road
Fairfield, NJ 07004

December 28, 2023

/s/ Lois J. Yu

Lois J. Yu
Counsel for Plaintiffs-
Judgment Creditors